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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92066968
Party	Plaintiff Software Freedom Law Center
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SOFTWARE FREEDOM LAW CENTER,

Petitioner,

v.

SOFTWARE FREEDOM CONSERVANCY,

Respondent.

Cancellation No. 92066968

**PETITIONER'S RESPONSE TO
RESPONDENT'S MOTION TO SUSPEND PROCEEDINGS**

Petitioner hereby responds to Respondent's March 6, 2019 Motion to Suspend these proceedings pending the Board's consideration of its Request for Reconsideration filed on January 21, 2019, which is fully briefed. Respondent did not contact Petitioner prior to filing its Motion to Suspend to seek its consent for suspension. In any event, Petitioner opposes Respondent's March 6, 2019 Motion to Suspend.

Respondent contends that the Board may suspend proceedings on motion, for good cause. 37 C.F.R. § 2.117(c). Respondent contends that if the Board does not suspend these proceedings that the Request for Reconsideration that it filed will effectively be rendered moot, since it may take many months for the Board to decide the Request for Reconsideration. According to Respondent, by that time the parties will have reached the trial stage of the proceedings after considerable expense and effort that may be rendered unnecessary.

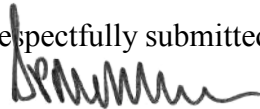
Petitioner submits that Respondent has not established good cause for suspension of these proceedings pending the disposition of the Request for Reconsideration. Respondent's Motion {02384705.1}

to Suspend is nothing more than a transparent attempt to delay further discovery in this proceeding from taking place. To the extent that Respondent's Motion to Suspend re-argues its positions in the Request for Reconsideration, it also constitutes an improper sur-reply. Respondent's argument that by the time the Board acts on the Request for Reconsideration the parties will have reached the trial stage of the proceeding is undermined by the fact that Petitioner requested that the trial schedule, set forth in the Board's January 15, 2019 Order, be reset in its February 11, 2019 submission in response to the Request for Reconsideration. Petitioner's consenting to a resetting of the trial schedule, which is consistent with Board practice in these situations, serves to resolve Respondent's concerns about entering the trial stage of the proceedings.

Respondent's Motion to Suspend should, therefore, be denied.

Dated: March 21, 2019
New York, New York

Respectfully submitted,



Sean P. McMahon

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PETITIONER'S RESPONSE TO RESPONDENT'S MOTION TO SUSPEND PROCEEDINGS** was served upon Respondent this 21st day of March, 2019, by emailing a copy thereof to its counsel at pamela@chesteklegal.com and jlwtrademarks@wolfgreenfield.com:

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